

**Legislative Rule-Making Review Committee**  
**Minutes for Tuesday, December 8, 2020**

**House Chamber**  
**9:00 a.m. to 5:00 p.m.**

**Senate**

Sypolt, Chair	Present
Baldwin	Present
Jeffries	Present
Roberts	
Rucker	Present
Weld	Present
Carmichael, Nonvoting	

**House**

Foster, G., Chair	Present
Butler	Present
Fleischauer	Present
Martin, P.	Present
Rowe	Present
Steele	Present
Hanshaw, Nonvoting	

The Legislative Rule-Making Review Committee met in the House Chamber at 9:00 a.m. on Tuesday, December 8, 2020. The meeting was called to order by the Chair, Delegate Foster. A silent roll call was taken by the Clerk to establish a quorum, as reflected above. Staff present included: Charlie Roskovensky, House Counsel; Cindy Dellinger, Senate Counsel; Liz Schindelorz, Senate Counsel; Jaclyn Schiffour, House Counsel; James Fuerhoff, Director of Legislative Rule-Making Review Committee.

1. Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **Health Care Authority, Certificate of Need, 65 CSR 29.**

On motion of Senator Sypolt, the rule was approved as filed.

2. Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **Department of Health and Human Resources, Child Placing Agencies Licensure, 78 CSR 02.**

Terry Miller, Program Manager, DHHR, addressed the committee and responded to questions.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

3. Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **Department of Health and Human Resources, Minimum Licensing Requirements for Residential Child Care and Treatment Facilities for Children and Transitioning Adults and Vulnerable and Transitioning Youth Group Homes and Programs in West Virginia, 78 CSR 03.**

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

4. Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **Department of Health and Human Resources, Procedure to Contest the Substantiation of Child Abuse or Neglect, 78 CSR 27**, and responded to questions from the committee.

Matthew Kroft, DHHR, addressed the committee and responded to questions.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

5. Charlie Roskovensky, Associate Counsel, explained his abstract on the rule proposed by the **Department of Health and Human Resources, Public Health Standards for Businesses Remaining Open During the COVID-19 Outbreak, 64 CSR 114**, and responded to questions from the committee.

Britt Ludwig, General Counsel, Bureau of Public Health, addressed the committee and responded to questions.

Delegate Butler moved to postpone consideration of the rule until the commencement of the 2021 Regular Session of the Legislature. By unanimous consent, Delegate Butler withdrew his motion.

Delegate Butler moved to recommend that the rule be rejected. On a voice vote, the motion was rejected.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

6. Cindy Dellinger, Associate Counsel, explained her abstract on the rule proposed by the **Department of Health and Human Resources, Behavioral Health Centers Licensure, 64 CSR 11**, and responded to questions from the committee.

Jo Lynn Marra, Office of Health Facility and Certification, OHFLAC, addressed the committee and responded to questions.

Mark Drennan, Executive Director, Behavioral Health Association, addressed the committee and responded to questions.

Steve Wiseman, Executive Director, Developmental Disabilities Council, addressed the committee and responded to questions.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

7. Cindy Dellinger, Associate Counsel, explained her abstract on the rule proposed by the **Department of Health and Human Resources, Behavioral Health Centers Licensure, 64 CSR 12**, and responded to questions from the committee.

On motion of Senator Sypolt, the rule was approved as filed.

8. Cindy Dellinger, Associate Counsel, explained her abstract on the rule proposed by the **Department of Health and Human Resources, Nursing Home Licensure, 64 CSR 13**, and responded to questions from the committee.

Jo Lynn Marra, Office of Health Facility and Certification, OHFLAC, addressed the committee and responded to questions.

On motion of Senator Sypolt, the agency agreed to modifications were adopted,

On motion of Senator Sypolt, the rule was approved as modified.

9. Cindy Dellinger, Associate Counsel, explained her abstract on the rule proposed by the **Department of Health and Human Resources, Delegation of Medication Administration and Health Maintenance Tasks to Approved Medication Assistive Personnel, 64 CSR 60**, and responded to questions from the committee.

Jo Lynn Marra, Office of Health Facility and Certification, OHFLAC, addressed the committee and responded to questions.

On motion of Senator Sypolt, the agency agreed to modifications were adopted,

On motion of Senator Sypolt, the rule was approved as modified.

**By unanimous consent, the Committee took a recess at 1:00pm and reconvened at 1:55pm.**

10. Cindy Dellinger, Associate Counsel, explained her abstract on the rule proposed by the **Department of Health and Human Resources, Emergency Medical Services, 64 CSR 48**, and responded to questions from the committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

11. Cindy Dellinger, Associate Counsel, explained her abstract on the rule proposed by the **Department of Health and Human Resources, Client Rights at State-Operated Mental Health Facilities, 64 CSR 59**, and responded to questions from the committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

12. Cindy Dellinger, Associate Counsel, explained her abstract on the rule proposed by the **Department of Health and Human Resources, Recovery Residence Certification and Accreditation Program, 69 CSR 15**, and responded to questions from the committee.

Christina Mullins, Commissioner, Bureau for Public Health, addressed the committee and responded to questions.

By unanimous consent, the rule was laid to the foot of the agenda.

13. Liz Schindelorz, Associate Counsel, explained her abstract on the rule proposed by the **Real Estate Commission, Licensing Real Estate Brokers, Associate Brokers, and Salespersons and the Conduct of Brokerage Business, 174 CSR 01**, and responded to questions from the Committee.

Jerry Foren, Executive Director, West Virginia Real Estate Commission, addressed the Committee and responded to questions.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

14. Liz Schindelorz, Associate Counsel, explained her abstract on the rule proposed by the **Board of Physical Therapy, General Provisions for Physical Therapist and Physical Therapist Assistants, 16 CSR 01**, and responded to questions from the Committee.

John Brautigam, Chair, WV Board of Physical Therapy, addressed the Committee and responded to questions.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

**By unanimous consent, the committee returned to consideration of 69 CSR 15.**

15. Cindy Dellinger, Associate Counsel, explained her abstract on the rule proposed by the **Department of Health and Human Resources, Recovery Residence Certification and Accreditation Program, 69 CSR 15**, and responded to questions from the committee.

Senator Sypolt moved to amend the rule and counsel explained the amendment to the committee and responded to questions,

By unanimous consent, Senator Sypolt moved to withdraw the amendment.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

16. Liz Schindelorz, Associate Counsel, explained her abstract on the rule proposed by the **Board of Physical Therapy, Fees for Physical Therapist and Physical Therapist Assistants, 16 CSR 04**.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

17. Liz Schindelorz, Associate Counsel, explained her abstract on the rule proposed by the **Board of Physical Therapy, General Provisions for Athletic Trainers, 16 CSR 05**.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

18. Liz Schindelorz, Associate Counsel, explained her abstract on the rule proposed by the **Board of Physical Therapy, Fees for Athletic Trainers, 16 CSR 06.**

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

19. Jaclyn Schiffour, Associate Counsel, explained her abstract on the rule proposed by the **Department of Administration, Purchasing, 148 CSR 01.**

James Meadows, Purchasing Division, addressed the committee and responded to questions.

Delegate Foster moved to amend the rule by striking section 15 in its entirety. On a voice vote, the motion was adopted.

On motion of Senator Sypolt, the rule was approved as amended.

20. Jaclyn Schiffour, Associate Counsel, explained her abstract on the rule proposed by the **Division of Labor, Steam Boiler Inspection, 42 CSR 03,** and responded to questions from the committee.

Carla Campbell, Division of Labor, addressed the committee and responded to questions.

Delegate Foster moved to amend the rule as follows:

On page 13, Section 12.2, by striking out "\$50.00" and inserting in lieu thereof "\$35.00";

On page 13, Section 12.5, striking out "\$50.00" and inserting in lieu thereof "\$35.00";

On page 23, Subsection 14.2.a, by striking out "\$150.00" and inserting in lieu thereof "\$100.00";

On page 23, Subsection 14.2.b, by striking out "\$200.00" and inserting in lieu thereof "\$150.00";

On page 23, Subsection 14.2.c, by striking out "\$250.00" and inserting in lieu thereof "\$175.00";

On page 23, Subsection 14.2.d, by striking out "\$250.00" and inserting in lieu thereof "\$175.00";

On page 23, Section 14.3, by striking out “\$50.00” and inserting in lieu thereof “\$35.00”;

On page 23, Section 14.4, by striking out “\$90.00” and inserting in lieu thereof “\$35.00”;

On page 24, Section 14.5, by striking out “\$50.00” and inserting in lieu thereof “\$35.00”;

On page 24, Section 14.6, by striking out “\$50.00” and inserting in lieu thereof “\$20.00”;

On page 24, Section 14.7, by striking out “\$90.00” and inserting in lieu thereof “\$70.00”;

And,

On page 24, Section 14.8, by striking out “\$90.00” and inserting in lieu thereof “\$70.00”;

On a voice vote, the motion was adopted,

On motion of Senator Sypolt, the rule was approved as amended.

With no further business to come before the Committee, Senator Sypolt moved to adjourn. The motion was adopted. The Committee adjourned at approximately 5:00 PM.